



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

NMA/LKG/KDE

*271 Cadman Plaza East
Brooklyn, New York 11201*

April 25, 2017

By E-mail and ECF

Elizabeth E. Macedonio, Esq. (*Att'y for V. Asaro*)
Gerard M. Marrone, Esq. (*Att'y for John J. Gotti*)
Vincent Ancona, Esq. (*Att'y for M. Guidici*)
Eric Franz, Esq. (*Att'y for M. Rullan*)

Re: United States v. Vincent Asaro, et al.
Criminal Docket No. 17-127 (ARR)

Dear Counsel:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government hereby furnishes the following discovery with respect to the above-captioned case.

I. The Government's Discovery

A. Statements of the Defendants

Enclosed are the following statements of the defendants made during the course of their arrests, including advice of rights forms, pedigree information, property receipts and other information, which are being provided individually to each defendant:

- Documents relating to Asaro (Bates-numbered ASARO000000001-000000012);
- Documents relating to Gotti (Bates-numbered GOTTI000000001-000000004);
- Documents relating to Guidici (Bates-numbered GUIDICI000000001-000000013); and
- Documents relating to Rullan (Bates-numbered RULLAN000000001-000000009).

B. Defendants' Prior Records and Arrest Documents

Enclosed are copies of the defendants' criminal history reports and arrest documents, which are being provided individually to each defendant:

- Documents relating to Asaro (Bates-numbered ASARO000000013-000000056);
- Documents relating to Gotti (Bates-numbered GOTTI000000005-000000049);
- Documents relating to Guidici (Bates-numbered GUIDICI000000014-000000023); and
- Documents relating to Rullan (Bates-numbered RULLAN000000010-RULLAN000000065).

C. Documents and Tangible Objects

You may examine any physical evidence discoverable under Rule 16, including original documents, as it becomes available by calling us to arrange a mutually convenient time.

Enclosed please find copies of the following materials:

Bates-number	Description
000000001-000000005	Photographs of the defendants taken during their arrests
000000006-000000021	Records produced by Hyundai Capital LLC
000000022-000000056	Records produced by Instagram, Inc., relating to user "johnny_gotti27", and related search warrant and supporting affidavit
000000057-000000076	Records produced by Maspeth Federal Savings & Loan Association
000000077	Records produced by the Nassau County Police Department
000000078-000000086	Records produced by the New York City Police Department
000000087-000000092	Intentionally left blank
000000155-000001157	Telephone records produced by various service providers relating to: 347-433-3923;

	516-557-8601; 646-721-2832; 718-415-6720; 917-293-1176; and 917-574-2119
000000093-000000114	Photographs taken by New York City Fire Marshals on or about April 4, 2012 in the vicinity of East 6 th Road and Cross Bay Boulevard in Broad Channel, New York and Bam's Autobody Repair Shop near 87th Street and Liberty Avenue in Ozone Park, New York
000000115- 000000154	Records produced by USAA

D. Reports of Examinations and Tests

The government will provide you with copies of any reports of examinations or tests in this case prior to trial.

E. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703 and 705 and will notify you in a timely fashion of any expert that the government intends to call at trial and provide you with a summary of the expert's opinion.

The identity, qualifications, and bases for the conclusions of each expert will be provided to you when they become available.

F. Brady Material

The government understands and will comply with its continuing obligation to produce exculpatory material as defined by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny, and will produce any such material prior to trial.

In addition, before trial, the government will furnish materials discoverable pursuant to Title 18, United States Code, Section 3500, as well as impeachment materials. See Giglio v. United States, 405 U.S. 150 (1972).

G. Other Crimes, Wrongs or Acts

The government will provide the defendants with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

II. The Defendants' Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendants allow inspection and copying of (1) any books, papers, documents, data, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendants' possession, custody or control, and that the defendants intend to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, that are in the defendants' possession, custody or control, and that the defendants intend to introduce as evidence or otherwise rely upon at trial, or that were prepared by a witness whom the defendants intend to call at trial.

The government also requests that the defendants disclose prior statements of witnesses who will be called by the defendants to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendants have copies of those statements available for production to the government no later than the commencement of trial.

The government also requests that the defendants disclose a written summary of testimony that the defendants intend to use as evidence at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

Pursuant to Federal Rule of Criminal Procedure 12.1(a)(1), the government requests that the defendants notify the government prior to trial of any intended alibi defenses to the offenses charged in the Indictment.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of the defendants' intention, if any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of the witnesses upon whom the defendants intend to rely in establishing the defense identified in any such notice.

III. Future Discussions

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact me.

